

SCHOOLS FOR THE DEAF AND BLIND FOUNDATION

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen G. Handy

Senate Sponsor: J. Stuart Adams

LONG TITLE

General Description:

This bill modifies the Public-Private Partnership for Education Excellence Act by enabling the Utah Schools for the Deaf and Blind to establish a non-profit foundation.

Highlighted Provisions:

This bill:

- ▶ authorizes the Utah Schools for the Deaf and Blind to establish a non-profit foundation; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53A-4-205, as last amended by Laws of Utah 2008, Chapter 310

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53A-4-205** is amended to read:

53A-4-205. Establishment of public education foundations -- Powers and duties --

Tax exempt status.



28 (1) [~~State and~~] The State Board of Education, a local school [boards] board, or the
29 Utah Schools for the Deaf and Blind may establish foundations to:

30 (a) assist in the development and implementation of the programs authorized under this
31 part to promote educational excellence; and

32 (b) assist in the accomplishment of other education-related objectives.

33 (2) A foundation established under Subsection (1):

34 (a) may solicit and receive contributions from private enterprises for the purpose of this
35 part;

36 (b) shall comply with Title 51, Chapter 7, State Money Management Act, and rules
37 made under the act;

38 (c) has no power or authority to incur contractual obligations or liabilities that
39 constitute a claim against public funds except as provided in this section;

40 (d) may not exercise executive, administrative, or rulemaking authority over the
41 programs referred to in this part, except to the extent specifically authorized by the responsible
42 school board;

43 (e) is exempt from all taxes levied by the state or any of its political subdivisions with
44 respect to activities conducted under this part;

45 (f) may participate in the Risk Management Fund under Section 63A-4-204;

46 (g) shall provide a school with information detailing transactions and balances of funds
47 managed for that school;

48 (h) shall, for foundation accounts from which monies are distributed to schools,
49 provide all the schools within a school district information that:

50 (i) details account transactions; and

51 (ii) shows available balances in the accounts; and

52 (i) may not:

53 (i) engage in lobbying activities;

54 (ii) attempt to influence legislation; or

55 (iii) participate in any campaign activity for or against:

56 (A) a political candidate; or

57 (B) an initiative, referendum, proposed constitutional amendment, bond, or any other
58 ballot proposition submitted to the voters.

- 59 (3) A local school board that establishes a foundation under Subsection (1) shall:
60 (a) require the foundation to:
61 (i) use the school district's accounting system; or
62 (ii) follow written accounting policies established by the board;
63 (b) review and approve the foundation's accounting, purchasing, and check issuance
64 policies to ensure that there is an adequate separation of responsibilities; and
65 (c) approve procedures to verify that issued foundation payments have been properly
66 approved.

Legislative Review Note
as of 2-11-11 2:55 PM

Office of Legislative Research and General Counsel

FISCAL NOTE

H.B. 415

SHORT TITLE: **Schools for the Deaf and Blind Foundation**

SPONSOR: **Handy, S.**

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.

2/18/2011, 11:33 AM, Lead Analyst: Leishman, B./Attorney: RF

Office of the Legislative Fiscal Analyst